

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH LAURIE LAPLANTE ANGOUS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C10-0085RSM
CR05-346RSM

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION

The Court, having reviewed the petition for habeas corpus/motion to vacate sentence filed pursuant to 28 U.S.C. § 2255, the Report and Recommendation of United States Magistrate Judge James P. Donohue (Dkt. # 16), and petitioner's objections thereto (Dkt. # 18), does now find and ORDER:

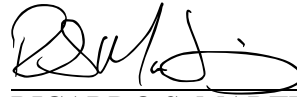
(1) Petitioner disputes the statement in the Report and Recommendation that she failed to file a response to the government's answer. She asserts that she "encloses with this Objection a copy of the Answer she sent this Honorable Court on June 19, 2010. Dkt. # 18, p. 1. The only letter attached is one addressed to her attorney on appeal dated July 7, 2007. *Id.*, pp. 21-23. Although the Court did not receive any substantive filing by petitioner in the relevant time period (April through June 2010), the merits of her § 2255 were fully addressed in the Report and Recommendation. Her failure to file a response to the government's answer was not treated as a default or failure to prosecute her claims.

(2) Accordingly, the Report and Recommendation is approved and adopted.

(3) The § 2255 petition/motion is DENIED and this action is DISMISSED with prejudice.

The Clerk shall direct copies of this Order to petitioner at her address of record, and to the Hon. James P. Donohue, United States Magistrate Judge.

Dated this 1 day of November 2010.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE